

DAS *ZPW*

Attorney Docket No. 245942US2S

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Takeshi SUGAHARA

SERIAL NO: 10/724,098

FILED: December 1, 2003

TITLE: SEMICONDUCTOR MEMORY DEVICE

**PETITION UNDER 37 CFR 1.137(a) REQUESTING THE WITHDRAWAL OF
HOLDING OF ABANDONMENT DUE TO UNAVOIDABLE DELAY**

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment dated December 1, 2004, Applicants respectfully request that the holding of abandonment for the above-identified Application be withdrawn due to the fact that the Notice to File Missing Parts mailed by the Patent and Trademark Office on February 27, 2004 was not received by Applicants' Attorneys. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

On December 2, 2004, Applicant's Attorney of Record began a status inquiry for the above-noted application because no Notice to File Missing Parts had been received from the U.S.

Patent and Trademark Office regarding the Inventor Declaration. Private PAIR was accessed and it was discovered that a Notice to File Missing Parts had been issued by the U.S. Patent and Trademark Office on February 27, 2004.

We then checked our computer system. The computer Patent Due Dates section for the subject application did not show a current due date for the Filing of the Declaration, nor did it show receipt of the Notice to File Missing Parts (see attached computer printout).

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice to file Missing Parts dated February 27, 2004. The computerized PTO Mail Log Report was then checked. All mail received from the Patent and Trademark Office is logged in the mail log by serial number or patent number, along with a description of the mail received, on a daily basis. Mail from the US Patent and Trademark Office is generally received by our firm within two or three days of mailing. However, to ensure a complete check, the daily log was checked from February 27, 2004 through March 27, 2004 and found to contain no record of having received the Notice for the above-identified application.

It is believed that the above discussion and documents enclosed herewith clearly prove the nonreceipt of the Notice to File Missing Parts dated February 27, 2004 and therefore, the holding of abandonment was issued in error.

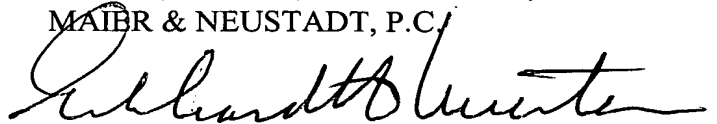
The petition fee under 37 C.F.R. 1.117 (i) is enclosed herewith. Applicants believe that no fee is due. If the fee is not due, please credit the petition fee to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Application No.: 10/724,098
Inventor: Takeshi SUGAHARA
Petition to Withdrawal the Holding of Abandonment
Page3

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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Registration No. 28,870
Attorney of Record

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Docket No.: 245942US2S

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

ECKHARD H. KUESTERS
(703) 413-3000
EKUESTERS@OBLON.COM

RE: Application Serial No.: 10/724,098
Applicants: Takeshi SUGAHARA
Filing Date: December 1, 2003
For: SEMICONDUCTOR MEMORY DEVICE
Group Art Unit:
Examiner:

SIR:

Attached hereto for filing are the following papers:

**PETITION UNDER 37 CFR 1.137 (a) REQUESTING THE WITHDRAWAL OF HOLDING OF
ABANDONMENT DUE TO UNAVOIDABLE DELAY
COPY OF NOTICE OF ABANDONMENT LETTER
COPY OF PTO MAIL LOG REPORT FROM FEBRUARY 27, 2004 THROUGH MARCH 27,
2004
NOTICE TO FILE MISSING PARTS
FILING OF DECLARATION/DECLARATION**

Our credit card payment form in the amount of \$130.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

Registration No. 28,870

Customer Number

22850

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/724,098	12/01/2003	Takeshi Sugahara	245942US2S

CONFIRMATION NO. 1408

ABANDONMENT/TERMINATION LETTER



OC000000014640356

22850
 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
 1940 DUKE STREET
 ALEXANDRIA, VA 22314

Date Mailed: 12/01/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/27/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

R132
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PTO Mail Log Report

From 02/27/2004 to 03/27/2004

Mail Type	C,D,F,R	Application #	Patent #/Reg #	Case Id	Base Date	Date Rcvd
NFMP		10/722,413		245938US	02-26-2004	02-27-2004
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PTO Mail Log Report

From 02/27/2004 to 03/27/2004

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PTO Mail Log Report

From 02/27/2004 to 03/27/2004

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PTO Mail Log Report

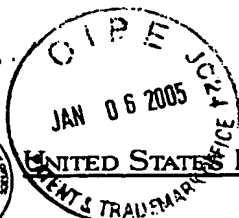
From 02/27/2004 to 03/27/2004

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PTO Mail Log Report

From 02/27/2004 to 03/27/2004

Mail Type	C,D,F,R	Application #	Patent #/Reg #	Case Id	Base Date	Date Rcvd
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NFMP		10/440,147		237751US	03-25-2004	03-26-2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/724,098	12/01/2003	Takeshi Sugahara	245942US2S

CONFIRMATION NO. 1408

FORMALITIES LETTER



OC000000011992582

22850

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
 1940 DUKE STREET
 ALEXANDRIA, VA 22314

Date Mailed: 02/27/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

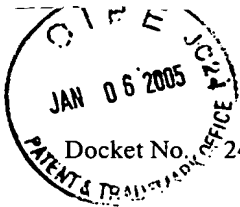
*A copy of this notice **MUST** be returned with the reply.*

M - HAINE

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

RECEIVED: 12-2-04 (PAID fulltime)
 OBLON, SPIVAK, MCCLELLAND
 MAIER & NEUSTADT, P.C.
 DOCKETING DEPT.
 Initials/Date Docketed: M-2-04
 Type of Resp(s): Real/Ret in w/o Aband
 Due Date(s): 12-9-04



Docket No. 245942US2S

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Takeshi SUGAHARA

SERIAL NUMBER: 10/724,098

ATTN: APPLICATION BRANCH

FILING DATE: December 1, 2003

FOR: SEMICONDUCTOR MEMORY DEVICE

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice of Abandonment dated February 27, 2004, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration. Applicants did not receive the Notice to File Missing Parts, dated December 1, 2003. Upon receipt of the Notice of Abandonment, applicants' attorney accessed private PAIR and printed a copy of the Notice to File Missing Parts.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

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